UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RODNEY RAY SLUSSER,

        Plaintiff,

v.   Case Number: 10-CV-12975
                                             Honorable Victoria A. Roberts

SHERIFF HEYNS,

        Defendants.

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OPINION AND ORDER OF SUMMARY DISMISSAL WITHOUT PREJUDICE

This is a civil rights complaint filed under 42 U.S.C. § 1983. Plaintiff Rodney Ray

Slusser filed his *pro se* Complaint, asserting that he was attacked and brutally beaten by two

inmates while he was incarcerated in the Jackson County jail. Pursuant to the Michigan

Department of Corrections website, it does not appear that Plaintiff is currently incarcerated in a

Michigan prison.

On August 12, 2010, the Court issued an "Order to Correct Deficiency," because Plaintiff

failed to submit the $350.00 filing fee or an Application to Proceed *In Forma Pauperis*. The

Court required Plaintiff to correct the deficiency by September 2, 2010, and cautioned that if he

failed to do so, then the Complaint would be subject to dismissal for want of prosecution.

Under the Prison Litigation Reform Act ("PLRA"), if a prisoner wishes to proceed

without prepayment of the filing fee, the prisoner must file a certified trust account statement and

an affidavit of indigence with an authorization to withdraw funds from his prison account as they

become available. 28 U.S.C. § 1915(a)(2); *McGore v. Wrigglesworth*, 114 F.3d 601, 605 (6th

Cir. 1997).

Plaintiff has not paid the required $350.00 filing fee for this civil action nor has he

submitted a proper Application to Proceed *In Forma Pauperis*. The time for correcting the

deficiency has elapsed.

Accordingly, **IT IS ORDERED** that Plaintiff's "Complaint" [dkt. # 1] is **DISMISSED**

WITHOUT PREJUDICE for want of prosecution.

S/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: October 4, 2010

The undersigned certifies that a copy of this document was served on the attorneys of record and Rodney Ray Slusser by electronic means or U.S. Mail on October 4, 2010.   s/Carol A. Pinegar   Deputy Clerk